

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES J. FARLEY,

Plaintiff,

Case No. 05-71623

v.

Magistrate Judge R. Steven Whalen

COUNTRY COACH, INC.,
an Oregon Corporation, and
TECHNOLOGY RESEARCH
CORPORATION,
a Florida Corporation,

Defendants,

_____ /

ORDER

A number of post-judgment motions have been filed regarding the Plaintiff's request for attorney fees and costs. Defendant Country Coach, Inc. seeks an evidentiary hearing to determine the entitlement to or reasonableness of the Plaintiff's claim for fees and costs, and also seeks discovery on these issues.

The motions pending before the Court are: (1) Defendant's Motion to Hold Plaintiff's Motion for Award of Attorney Fees and Interest in Abeyance and Hold and Evidentiary Hearing Regarding Plaintiff's Motion [Docket #131]; (2) Plaintiff's Motion to Quash Country Coach, Inc.'s Subpoena for Document Production and for Protective Order [Docket #144]; and (3) Defendant Country Coach Inc.'s Motion to Compel Discovery [Docket #149].

The Supreme Court has made it clear that a motion for attorneys' fees should not become a "second major litigation" itself. *Buckhannon Bd. & Care Home, Inc. v. West Virginia Dep't of Health & Human Res.*, 532 U.S. 598, 609 (2001) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 437, 103 S.Ct. 1933, 76 L.Ed.2d 40 (1983)). The decision to hold an evidentiary hearing on attorneys' fees is entrusted to the court's discretion, and the Sixth Circuit has held that "[a] hearing is required only where the district court cannot fairly decide disputed questions of fact on the basis of affidavits and other documentation." *Building Service Local 47 Cleaning Contractors Pension Plan v. Grandview Raceway*, 46 F.3d 1392, 1402 (6th Cir. 1995). *See also Citizens Ins. Co. of America v. KIC Chemicals, Inc.*, 2007 WL 2902213, *4 (W.D.Mich. 2007).

In this case, the Court is satisfied that the pleadings, documentation, affidavits and other material submitted in support of and in opposition to Plaintiff's request for attorney fees are sufficient to resolve the disputed attorney fee question. In fact, the Court has this day filed an Opinion and Order that grants attorney fees and costs, but in an amount significantly less than requested by Plaintiff's counsel. Therefore,

Defendant's motion to hold fee petition in abeyance and hold evidentiary hearing [Docket #131] is DENIED.

Plaintiff's motion to quash subpoena and for protective order [docket #144] is GRANTED.

Defendant's motion to compel discovery [Docket #149] is DENIED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: March 28, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on March 28, 2008.

S/Gina Wilson
Judicial Assistant